

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

HYSITRON INCORPORATED,) Civil Action No. 07 CV 1533 ADM/AJB
a Minnesota corporation,)
)
 Plaintiff,)
)
 v.)
)
 MTS SYSTEMS CORPORATION,)
a Minnesota corporation,)
)
 Defendant.)
)

DECLARATION OF BRIAN PLATT IN OPPOSITION TO
MOTION FOR PROTECTIVE ORDER, OR IN THE
ALTERNATIVE, TO STAY DISCOVERY PENDING DISPOSITION
OF MOTION FOR PARTIAL SUMMARY JUDGMENT

I, Brian Platt, hereby declares as follows:

1. I am an attorney with the law firm of Merchant & Gould located in Minneapolis, Minnesota and represent Plaintiff Hysitron Incorporated (“Hysitron”) in the above-captioned action. This declaration is respectfully submitted in opposition to Defendant’s Motion for Protective Order, or in the Alternative, to Stay Discovery

Pending Disposition of Motion for Partial Summary Judgment.

2. Attached hereto as Exhibit 1 is a true and accurate copy of a letter to Brian Platt dated April 17, 2008 from David P. Pearson.

3. Attached hereto as Exhibit 2 is a true and accurate copy of Gmail by Google printout dated April 21, 2008.

4. Attached hereto as Exhibit 3 is a true and accurate copy of “Hysitron” search results for WebCrawler.com dated December 28, 2007.
5. Attached hereto as Exhibit 4 is a true and accurate copy of “Hysitron” search results for excite.com dated December 28, 2007.
6. Attached hereto as Exhibit 5 is a true and accurate copy “Hysitron” search results for dogpile.com dated December 27, 2007.
7. Attached hereto as Exhibit 6 is a true and correct copy of the unpublished decision in *Google Inc. v. Am. Blind & Wallpaper Factory, Inc.*, 2007 U.S. Dist. LEXIS 32450 (N.D. Cal. Apr. 18, 2007).

Dated: April 24, 2008

/s/Brian N. Platt
Brian N. Platt